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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,037	02/05/2002	Bryan Kocol	109476-000014	1939
27189	7590	09/18/2006	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101			HONEYCUTT, KRISTINA B	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/072,037	KOCOL, BRYAN	
	Examiner	Art Unit	
	Kristina B. Honeycutt	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to the amendment filed June 22, 2006.

**This action is made Final.**

2. Claims 40-48 are pending in the case. Claims 1-30 have been cancelled.

Claims 41-48 have been added. Claim 40 is an independent claim.

3. The rejections to Claims 1, 5, 6, 9-15, 36, 37 and 40 under 35 U.S.C. 102(e) as being anticipated by Leshem et al. (U.S. Pub. No. 20020147805; publication date October 10, 2002; filed March 15, 2002; continuation of application filed October 22, 1998) have been withdrawn as necessitated by the amendment.

4. The rejections to Claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Bruck et al. (U.S. Patent 6268856; date of patent July 31, 2001; filed September 8, 1998) have been withdrawn as necessitated by the amendment.

5. The rejection to Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Bruck in further view of Kirsch (U.S. Patent 5963915; date of patent October 5, 1999; filed February 21, 1996) has been withdrawn as necessitated by the amendment.

6. The rejection to Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Kim (U.S. Pub. No. 20030014262; publication date January 16, 2003; filed December 20, 2000) has been withdrawn as necessitated by the amendment.
7. The rejection to Claim 16 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Greer et al. (U.S. Patent 6009429; date of patent December 28, 1999; filed November 13, 1997) has been withdrawn as necessitated by the amendment.
8. The rejection to Claim 17 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Vyaznikov et al. (U.S. Patent 6122672; date of patent September 19, 2000; filed December 16, 1996) has been withdrawn as necessitated by the amendment.
9. The rejections to Claims 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Leshem in view of Kirsch have been withdrawn as necessitated by the amendment.

***Claim Rejections - 35 USC § 112***

10. The rejection of Claim 16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention has been withdrawn as necessitated by the amendment.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 40-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent 7076546; date of patent July 11, 2006; filed February 10, 1999).

**Regarding independent claim 40,** Bates discloses a method of capturing link-tracking information from a network user, the method comprising the steps of:

- requesting a Web page content from a content provider server via a data network (Figure 1, 4A, 4B; col. 4, lines 9-13, 19-21; col. 6, lines 6-14, 19-22 – as demonstrated in the figures and cited text, a user requests a web page from the web server via a data network);
- receiving a tracking enabled Web page via the data network, wherein the tracking enabled Web page contains a link tracking code that initializes an initial

function which creates an array of links contained in the received tracking enabled Web page (Figure 4A, 4B; col. 6, lines 6-14, 19-22, 31-41; col. 7, lines 53-60 – as demonstrated in the figures and cited text, the web server sends the web page to the client and a table of URLs is created);

- receiving a selection of a link in the array of links (col. 9, lines 9-18 – as demonstrated in the cited text, the user selects a link);
- sending a link tracking request to a link tracking server via the data network, wherein the link tracking request corresponds to the selected link (Figure 7; col. 4, lines 9-13; col. 6, lines 6-14; col. 7, lines 61-67; col. 8, lines 1-6; col. 9, lines 31-33; col. 10, lines 50-54; col. 12, lines 8-12, 48-50 – as demonstrated in the figure and cited text, the links accessed by the user are tracked by the session server); and
- sending a Web page content request to a content provider server, wherein the Web page content request corresponds to the selected link (col. 9, lines 9-18, 22-30 – as demonstrated in the cited text, the web server returns the page corresponding the link that was selected by the user).

**Regarding dependent claim 41,** Bates discloses the method of claim 40, wherein receiving a selection of a link comprises monitoring user input for an action related to a link in said array of links and identifying a user action related to a link in said array of links (col. 9, lines 9-18, 22-30; col. 10, lines 5-11 – as demonstrated in the cited text, a

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user selects a link by depressing a forward or back button that the system identifies as a link selection).

**Regarding dependent claim 42**, Bates discloses the method of claim 40, wherein the tracking enabled Web page further comprises a recording function configured to record user actions related to said array of links, wherein sending a link tracking request comprises executing said recording function (col. 7, lines 61-67; col. 8, lines 1-6; col. 9, lines 22-33; col. 10, lines 50-54 – as demonstrated in the cited text, information is recorded when a user selects a link and accesses the corresponding webpage).

**Regarding dependent claim 43**, Bates discloses the method of claim 40, further comprising the steps of determining a domain name of the received tracking enabled Web page, determining a domain name of the selected link, comparing the domain name of the received tracking enabled Web page to the domain name of the selected link to determine if they are the same, and indicating an exit link in the link tracking request if the domain name of the received tracking enabled Web page and the domain name of the selected link to determine are not the same (col. 7, lines 53-60; col. 9, lines 9-18, 22-30; col. 10, lines 5-21 – as demonstrated in the cited text, the URLs of the first web page and the selected link are compared and the tracking list is marked when pages are released).

**Regarding dependent claim 44**, Bates discloses the method of claim 40, wherein sending the link tracking request to the link tracking server comprises sending one or more cookies to the link tracking server (col. 6, lines 42-52, 58-62 – as demonstrated in the cited text, user information is sent in headers to the session server).

**Regarding dependent claim 45**, Bates discloses the method of claim 40, further comprising providing from the link tracking server link tracking statistics to a link tracking subscriber (col. 6, lines 66-67; col. 7, lines 1-4; col. 10, lines 50-54; col. 12, lines 8-12, 48-50 – as demonstrated in the cited text, tracking information is provided to subscribers).

**Regarding dependent claim 46**, Bates discloses the method of claim 40, further comprising providing from the link tracking server link tracking reports to a link tracking subscriber (col. 6, lines 66-67; col. 7, lines 1-4; col. 10, lines 50-54; col. 12, lines 8-12, 48-50 – as demonstrated in the cited text, tracking information is provided to subscribers).

**Regarding dependent claim 47**, Bates discloses the method of claim 40, wherein the link tracking code is received via a hyper text transfer protocol communication (Figure 1; col. 4, lines 15-18; col. 5, lines 16-30; col. 6, lines 6-14 – as demonstrated in the figure and cited text, the tracking is received via a network, including the Internet which uses http).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Gamon (U.S. Pub. No. 20020054126; publication date May 9, 2002; filed October 16, 1998).

**Regarding dependent claim 16**, Bates does not disclose the initial function creates the array of links by searching the Web page content for anchor tags identified with start and end tags. Gamon teaches creating a list of links by searching a webpage for control tags containing hyperlinks (Figure 8; p.6, para. 64). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates and Gamon before him at the time the invention was made, to modify the method taught by Bates to include searching for tags to create a list of links as taught by Gamon, because Bates teaches creating a list of all links in a webpage (Figure 4A, 4B; col. 6, lines 6-14, 19-22, 31-41; col. 7, lines 53-60) and Gamon teaches searching for tags in a webpage that contain hyperlinks to create a list of hyperlinks (Figure 8; p.6, para. 64).

***Response to Arguments***

13. Applicant's arguments filed June 22, 2006 with respect to claims 40-48 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8:00 am - 5:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KBH

  
**CESAR PAULA**  
**PRIMARY EXAMINER**